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SENATE

{ REPORT
105-384

WOODLAND LAKE PARK TRACT

OCTOBER 9, (legislative day, OCTOBER 2), 1998.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 2413]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2413) to provide for the development of a management plan for the Woodland Lake Park tract in Apache-Sitgreaves National Forest in the State of Arizona reflecting the current use of the tract as a public park, having considered the same, reports favorably thereon with amendments and an amendment to the title and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. Beginning on page 1, strike line 3 and all that follows through page 2, line 10, and insert the following:

“SECTION 1. WOODLAND LAKE PARK TRACT, APACHE-SITGREAVES NATIONAL FOREST, ARIZONA.

“(a) PROHIBITION OF CONVEYANCE.—The Secretary”

2. On page 2, line 17, strike “(c) DEFINITION.—The terms” and insert “(b) DEFINITION.—In this section, the terms”.

Amend the title so as to read: “A bill prohibiting the conveyance of Woodland Lake Park tract in Apache-Sitgreaves National Forest in the State of Arizona unless the conveyance is made to the town of Pinetop-Lakeside or is authorized by Act of Congress”.

PURPOSE OF THE MEASURE

The purpose of S. 2413, as ordered reported, is to prohibit the conveyance of Woodland Lake Park tract in the Apache-Sitgreaves National Forest in the State of Arizona unless conveyance is made to the town of Pinetop-Lakeside or another entity pursuant to a subsequent Act of Congress.

BACKGROUND AND NEED

The Woodland Lake Park is an isolated parcel of National Forest system land surrounded by mostly residential and private lands as well as lands owned by the town of Pinetop-Lakeside. The Woodland Lake Park tract was designated a National Forest townsite in 1987. This designation provides an opportunity for the town to pursue acquisition of the parcel by purchase.

A preliminary appraisal, completed for the town in the late 1980's, estimated a value of \$5.8 million for the entire 583 acres. The Forest Service estimates that the current value could be more than \$10 million.

S. 2413 prohibits the conveyance of the tract unless conveyance is made to the town. This will provide the necessary time for the town to raise the needed funds in order to purchase the lands.

LEGISLATIVE HISTORY

S. 2413 was introduced on July 31, 1998, by Senators McCain and Kyl. The Subcommittee on Forests and Public Land Management held a hearing on S. 2413 on October 1, 1998. At the business meeting on October 6, 1998, the Committee on Energy and Natural Resources ordered S. 2413, as amended, favorably reported.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on October 6, 1998, by unanimous vote of a quorum present, recommends that the Senate pass S. 2413, if amended as described herein.

SUMMARY OF S. 2413

S. 2413 prohibits the Secretary of Agriculture from conveying the Woodland Lake Park tract to any entity other than the town of Pinetop-Lakeside.

COMMITTEE AMENDMENT

During consideration of S. 2413, the Committee adopted an amendment that deletes a provision directing the Forest Service to prepare a special management plan for the Woodland Lake Park tract. This provision was determined to be unnecessary because the Forest Service is already managing this tract primarily for recreational purposes pursuant to the forest plan.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office estimate of the costs of this measure has been requested but was not received at the time the report was filed. When the report is available, the Chairman will request it to be printed in the Congressional Record for the advice of the Senate.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation

of the regulatory impact which would be incurred in carrying out S. 2413.

The bill is not a regulatory measure in the sense of imposing Government established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little if any additional paperwork would result from the enactment of S. 2413.

EXECUTIVE COMMUNICATIONS

The Committee on Energy and Natural Resources has requested executive comment from the Department of Agriculture and the Office of Management and Budget. These legislative reports were not available at the time this report was filed. When the requested reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the Forest Service at the October 1, 1998, Subcommittee hearing follows:

STATEMENT OF SANDRA H. KEY, ASSOCIATE DEPUTY CHIEF,
PROGRAMS AND LEGISLATION, FOREST SERVICE, DEPART-
MENT OF AGRICULTURE

Mr. Chairman and members of the subcommittee, thank you for the opportunity to discuss the Forest Service's views on S. 2413.

S. 2413—WOODLAND LAKE PARK TRACT, APACHE-SITGREAVES
NATIONAL FOREST

The Administration opposes S. 2413.

S. 2413 provides for the development of a special management plan for the Woodland Lake Park tract in Apache-Sitgreaves National Forest in Arizona to ensure the tract is managed by the Forest Service for recreational purposes consistent with the use of the tract as a public park.

The Woodland Lake Park is an isolated parcel of National Forest System land surrounded by mostly residential, private lands and lands owned by the town of Pinetop-Lakeside. The Woodland Lake tract was designated a National Forest townsite in 1987. This designation provided an opportunity for the town to pursue acquisition of the parcel by purchase pursuant to the Townsite Act or by exchange. The Forest Service and the town share a common goal to convey these lands to the town or compatible private interests, and we have been actively pursuing this goal with the town for over a decade.

Pinetop-Lakeside has had continued use of these lands through special use permits while they pursued acquisition. In the late 1980s, three special use permits were issued to authorize use of the entire 583-acre parcel during the acquisition process. One permit was issued to the Blue

Ridge School District, and the other two were issued to the town of Pinetop-Lakeside.

The permit issued to the school district is for the 40-acre Big Springs Environmental Area and this permit will expire in year 2000. The remaining town permit covers 73 acres for the recreational facilities at Woodland Lake Park and expires in 2007. The 468-acre 10-year permit for undeveloped lands between Woodland Lake and Big Springs expired in December 1997.

Since 1987, the town has been encouraged to take advantage of the opportunity to purchase the land under the Townsite Act. It has also been suggested that they involve private interests to assist them in acquiring a portion of this tract. The town has not pursued either option and has tried to get the lands conveyed to it at no cost. Whether through a Townsite Act purchase or a land exchange, the lands may only be conveyed for fair market value.

The Federal Land Policy Management Act and other authorities prevent the Forest Service from disposing of lands at less than appraised values. These authorities are in place to ensure that taxpayers are fairly compensated from the sale or exchange of Federal assets. A preliminary appraisal, completed for the town in the late 1980's, estimated a value of \$5.8 million for the entire 583 acres. We estimate the current value could be more than \$10 million. We are willing to work with the town to sell them parcels of the tract as they produce the cash or land of equal value.

S. 2413 would provide that the Apache-Sitgreaves National Forest prepare a special management plan within 6 months to ensure that the tract is managed by the Forest Service for recreational purposes consistent with the use of the tract as a public park. We do not believe this is necessary since the lands are already being managed by the Forest Service for primarily recreational purposes.

The Administration would be glad to work with Senator Kyl and Senator McCain to reach an administrative resolution, or explore ways that the lands could be conveyed to the town for fair market value or land of equal value.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 2413 as ordered reported.